REMARKS/ARGUMENTS

Claims 1-5, 7, 8, 10-13 and 22-30 are pending in the application. By this Amendment, claims 5 and 22 are amended. Reconsideration and withdrawal of the rejection in view of the foregoing amendments and the following remarks is respectfully requested.

A. Formal Matters

By this Amendment, claim 5 is amended to correct its dependency, and claim 22 is amended to correct an obvious typographical error. Because these changes do not raise any new issues that would require further consideration and/or search, entry of the Amendment is respectfully requested.

B. Patentability of the Claims

The Office Action purports to reject claims 1-21 under 35 USC §103(a) over US Patent No. 6,728,208 to Puuskari, in view of US Patent Publication No. 2003/0018793 to Mora. Because not all of claims 1-21 are pending in the application, and in light of the comments set forth in the Office Action, Applicant presumes that the Office Action intended to reject claims 1-5, 7, 8, 10-13 and 22-30. For the reasons given below, the rejection is respectfully traversed.

Claim 1 is directed to a method of communicating data within a data communication system. Claim 1 includes steps of transmitting, from a higher layer transmitting protocol entity, a protocol data unit to a lower layer transmitting protocol entity. Claim 1 further recites receiving, in the higher layer transmitting protocol entity, a transmission result from said lower layer transmitting protocol entity, said transmission result reporting the result of the transmission of the protocol data unit by said lower layer transmitting protocol entity. Finally, claim 1 recites deciding, responsive to the transmission result, whether the higher layer transmitting protocol entity should re-provide the lower layer transmitting protocol entity with the protocol data unit. Claim 1

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recites that the higher layer transmitting protocol entity does not re-provide the protocol data unit to the lower layer transmitting protocol entity until after it has received the transmission result.

The Puuskari reference discloses a method of communicating data within a data communications system. Puuskari indicates that one or more of the elements of the data communication system may be capable of re-transmitting data. However, Puuskari fails to disclose or suggest any methods wherein a higher layer transmitting protocol entity waits to receive a transmission result from a lower layer transmitting protocol entity, and wherein the higher layer transmitting protocol entity does not re-provide data units to the lower layer transmitting protocol entity until after it has received the transmission result. In fact, Puuskari fails to disclose or suggest any details of the retransmission of data units, let alone a method wherein retransmission of data units is not performed until a transmission result has been received from the lower layer transmitting protocol entity. In fact, the Office Action admits that Puuskari does not disclose these features.

The Office Action asserts that the Mora reference discloses the features missing from Puuskari. Applicant strongly disagrees.

The Mora reference discloses a method of communicating data packets between two systems in a network. In Mora's communication scheme, two different communications protocols are possible. If the message to be sent from the first system to the second system is short, and can be encapsulated in a single data packet, the data is sent in a single data packet, and no attempt is made to ask for acknowledgment from the receiving system that the data has been received.

If the message to be sent from the first system to the second system is longer, and must be transmitted in multiple data packets, then the first system will ask the second system to acknowledge receipt of each data packet. This is accomplished by the second system sending the first system an acknowledgment message each time that a data packet is received.

Mora explains that when acknowledgment of receipt is requested, each time that the first system sends a data packet to the second system, the first system will set a timer

and the timer begins running once the data packet has been sent. If the first system does not receive an acknowledgment of receipt message from the second system before the timer runs out, the first system will assume that the data packet was lost, and the first system will automatically re-send the same data packet to the second system. This process will repeat itself until an acknowledgement message is finally received from the second system, or until the retransmission has occurred a predetermined number of times. See Mora at paragraphs 9, 10 and 90.

In view of the foregoing, it is respectfully submitted that Mora fails to disclose a method as recited in claim 1, where a higher layer transmitting protocol entity <u>does not</u> re-provide the protocol data unit to the lower layer transmitting protocol entity until <u>after it has received the transmission result.</u> Instead, Mora deliberately re-sends a data packet without waiting to receive an acknowledgment message from the lower layer transmitting protocol entity. In other words, Mora operates exactly opposite to the method recited in claim 1.

Moreover, both Mora and Puuskari fail to disclose or suggest methods where the message being sent from the lower layer transmitting protocol entity back the higher layer transmitting protocol entity provides an indication of whether the lower layer transmitting protocol entity has successfully <u>transmitted a data unit</u> on to yet a third entity. Instead, both Puuskari and Mora describe methods where the message being sent from the lower layer transmitting protocol entity back the higher layer transmitting protocol entity provides an indication of whether the lower layer transmitting protocol entity has successfully <u>received a data unit.</u>

In view of all of the foregoing, it is respectfully submitted that Puuskari and Mora both fail to disclose or suggest a method as recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable. Claims 2-5, 7, 8 and 10-13 depend from claim 1 and are allowable for the same reasons, and for the additional features which they recite.

Claim 22 is directed to a computer readable medium storing computer software that causes higher and lower layer transmitting protocol entities to perform a method that

is highly similar to the method recited in claim 1. Thus, it is respectfully submitted that claim 22 is allowable over Puuskari and Mora for all the reasons set forth above in connection with claim 1. Claims 23-30 depend from claim 22 and are allowable for the same reasons, and for the additional features which they recite.

In view of the foregoing, withdrawal of the rejection of claims 1-5, 7, 8, 10-13 and 22-30 is respectfully requested.

C.   CONCLUSION

It is respectfully submitted that the application is in condition for allowance. If the Examiner believes that additional changes are required to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

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